

Application No. 10/027,370
Reply to Office Action of December 19, 2005

REMARKS/ARGUMENTS

Claims 1-5, 7-20 and 22-28 are pending in this application. Claims 1-5, 7-20 and 22-28 are rejected. Claims 6 and 21 were previously cancelled. Claims 1, 18 and 22 have been amended. No new matter has been added.

Rejections Under 35 U.S.C. 112

Claims 1-5, 7-20 and 22-28 are rejected under 35 U.S. 112, first paragraph, as failing to comply with the written description requirement. The examiner has objected to the limitation of independent claims 1, 18 and 22, in relevant part, "wherein the designated area includes no hardware for monitoring the vehicle." The examiner argues that the specification as originally filed did not disclose the limitation, and therefore, is considered new matter. Applicant respectfully submits that the specification supports this limitation and should not be considered new matter. For the purposes of advancing prosecution for the instant application, applicant has amended independent claims 1, 8 and 22 to remove the limitation from the claims.

Rejections Under 35 U.S.C. 102

Claims 1-5, 7-20 and 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Klein et al. (U.S. Patent No. 5,726,885).

For claims 1-4, 8, 18, the examiner states that Klein discloses a vehicle renting system. The examiner further states, "[w]ith respect to the limitation of the vehicle monitoring means being 'geo-fencing means', as this is best understood by the examiner as a recitation to a GPS system, which is disclosed by Klein. The instant specification discloses the fact that 'geo-fencing means' is a GPS system." (See Office Action, pg. 4, dated 12/19/2005). The applicant respectfully traverses this rejection. Applicant describes that "using GPS is well known in the art and is employed in the present invention." Applicant further describes another component of the claimed invention, "Geo-fencing is an electronic net that incorporates the technology of a GPS and can be used to detect when a vehicle is either entering, exiting, or contained within a designated area." (See Application Specification, pg. 9). A GPS system, by itself, does not detect when a vehicle is entering, exiting or contained within a designated area. In addition, a GPS system, by itself, cannot select and enclose a designated area of various radii, as described

Application No. 10/027,370

Reply to Office Action of December 19, 2005

by applicant. "For example, in FIG. 1, each transit station and work site parking are is enclosed using the vehicle monitoring means for geo-fencing GF, with transit station 1 and work site 1 WS1 employing the use of geo-fencing of various radii (zones 1-3) to enclose each parking area." (See Application Specification, pg. 9). Therefore, applicant respectfully submits that the geo-fencing means is not simply a GPS system, but incorporates the technology and may work in conjunction with it to provide an electronic net to enclose a parking area of various radii.

With respect to the Klein reference, Klein does not teach a vehicle monitoring means to monitor the use of a vehicle, the vehicle monitoring means comprising geo-fencing means surrounding the designated area, whereby vehicles contained within, entering, or exiting the designated area can be tracked and accounted for. For at least these reasons, claims 1-4, 8, 18 are allowable over Klein. Claims 5 and 14 depend from claim 1 and are allowable for at least the same reasons. Claims 7 and 20 depend from claims 1 and 18, respectively, and are allowable for at least the same reasons. Claims 9-13, 19 also depend from claims 1 and 18 and are allowable for at least the same reasons. Claims 15-17 depend from claim 1 and are allowable for at least the same reasons.

For claims 22-28, the examiner states that "Kline discloses the providing of a designated area for a user to obtain a vehicle from. The providing 'geo-fencing means' is satisfied by the GPS system that Klein uses to track and monitor the vehicles with. Geo-fencing is and requires a GPS unit." (See Office Action, para. 6, page 5, dated 12/19/2005). Applicant traverses the rejection, and respectfully resubmits the arguments above regarding geo-fencing. For at least these reasons, claims 22-28 are allowable over Klein.

Application No. 10/027,370
Reply to Office Action of December 19, 2005

CONCLUSION

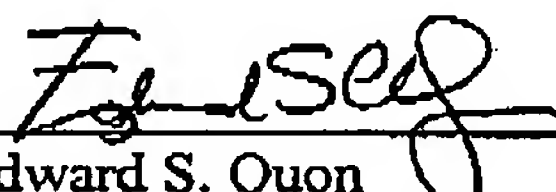
Applicant believes that the objections and rejections have been addressed. Applicant respectfully submits that the claims are now in condition for allowance.

The Examiner is invited to contact the undersigned at (650) 812 - 1371 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 50-1847.

Respectfully submitted,

DATED: 05/19/2006

Customer No. 33614



Edward S. Quon
Registration No. 52,144
MANATT, PHELPS & PHILLIPS LLP
1001 Page Mill Road, Building 2
Palo Alto, California 94304
(650) 812-1371 Telephone
(650) 213-0280 Facsimile

20149919.2

20149919.1

8 of 8